

PJS:BB:nl

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA) CRIM. NO. 3:CR-12-00224
)
 v.)
) (CAPUTO, J.)
 RICHARD J. HARLEY,)
)
)
 Defendant.) (ELECTRONICALLY FILED)

EXHIBITS TO GOVERNMENT'S RESPONSE IN OPPOSITION TO
DEFENDANT'S MOTION FOR RETURN OF PROPERTY

Respectfully submitted,

PETER J. SMITH
United States Attorney

BRUCE BRANDLER
Assistant U.S. Attorney
Attorney ID No. PA 62052
228 Walnut Street, Suite 220
P.O. Box 11754
Harrisburg, Pennsylvania 17108-1754
(717) 221-4482
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bruce.brandler@usdoj.gov (email)

Dated: March 3, 2014

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GOVERNMENT'S EXHIBIT 1



Peter J. Smith
United States Attorney's Office
Middle District of Pennsylvania

William J. Nealon Federal Building
Suite 311
235 N. Washington Avenue
P.O. Box 309
Scranton, PA 18503
(570) 348-2800
FAX (570) 348-2037/348-2830

Ronald Reagan Federal Building
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228 Walnut Street
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Herman T. Schneebeli Federal Building
Suite 316
240 West Third Street
Williamsport, PA 17701-6465
(570) 326-1935
FAX (570) 326-7916

Please respond to: Harrisburg

December 31, 2012

Hervery Young, Esquire
Assistant Federal Public Defender
FEDERAL PUBLIC DEFENDER'S OFFICE
Kane Professional Building, Suite 2C
116 North Washington Avenue
Scranton, Pennsylvania 18503-1800

Re: U.S.A. v. Richard J. Harley, 3:CR-12-224

Dear Mr. Young:

Please find enclosed a DVD which contains the paper items seized during the execution of the search warrant at Harley's residence. The password is I9uMQiMsq6Nq. The DVD contains a Concordance database, as well as image and OCR load files for IPRO, which allows word search capabilities. We cannot, however, provide you the IPRO software as it is licensed. The DVD also contains individual .tif files under the Images folder where you can view the items.

The electronically stored information has not been processed yet, but I will provide you a similar DVD when it is completed. The originals of all items are available at the FBI office in Scranton.



Hervery Young, Esquire
Assistant Federal Public Defender
FEDERAL PUBLIC DEFENDER'S OFFICE
December 31, 2012
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If you have any questions, let me know.

Sincerely,

PETER J. SMITH
United States Attorney



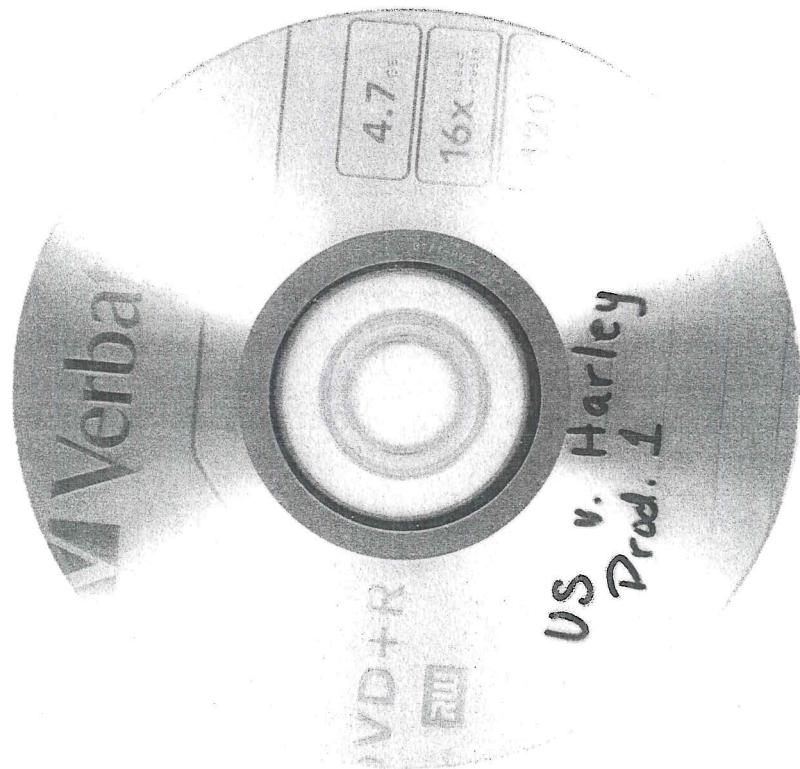
Bruce Brandler

Assistant U.S. Attorney

BB:nl

Enclosures (DVD Prod. 1)

cc: Vincent Browning, S.A., FBI (w/out attachments)
April Phillips, S.A., FBI (w/out attachments)



GOVERNMENT'S EXHIBIT 2



U.S. Department of Justice

Peter J. Smith
 United States Attorney
 Middle District of Pennsylvania

Website: www.justice.gov/usao/pam/
 Email: usapam.contact@usdoj.gov

William J. Nealon Federal Building
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Herman T. Schneebeli Federal Building
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Please respond to: Harrisburg
 February 14, 2013

William Ruzzo, Esquire
 590 Rutter Avenue
 Kingston, Pennsylvania 18704

Re: U.S.A. v. Richard J. Harley
 U.S.D.C. Criminal No. 3:CR-12-224

Dear Mr. Ruzzo:

As a follow up to my discovery letters of December 12, 2012, and December 31, 2012 to Hervery Young (which you indicated you received) and our discovery meeting on January 30, 2013, please be advised the electronic data that was processed at DOJ's Litigation Technology Support Center (LTSC) is now available to you. Please contact Kathy Enders, our Litigation Support Specialist, at (717) 221-4482, and she can explain how to go about receiving this information. I believe you will have to provide her with a sufficiently-sized portable hard drive to access the data. She can fill you in on the details.

Also enclosed is a DVD of the Jencks/Brady material accumulated to date in this case which you inspected on January 30, 2013. The documents have been redacted to exclude personal identifying information. The DVD is similar in format to the one I previously attached to my December 31, 2012 letter which had the paper items from the search warrant on it. Those paper items are now back in the FBI office in Scranton.

Finally, enclosed is report from an art appraiser related to the "art" work Mr. Harley told his victims was worth millions of dollars.



William Ruzzo, Esquire
February 14, 2013
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If you have any questions, let me know.

Sincerely,

PETER J. SMITH
United States Attorney


BRUCE BRANDLER
Assistant U.S. Attorney

BB:nl

Enclosures

cc: Kathy Enders, Litigation Support Specialist
Vincent Browning, Special Agent, FBI
April Phillips, Special Agent, FBI

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SAMUEL F. FREEMAN II
CHARLES R. WEISS

FREEMAN'S
AUCTIONEERS & APPRAISERS SINCE 1805

Dear Agent Phillips,

This email will confirm that yesterday, Wednesday December 12, 2012, I examined at our offices two artworks:

1. Julius Lee Settlemyre, Jr. (American 1916-1974). 'Liberation, The Lady.' Signed and dated "J. SETTLEMYRE 1970" lower right; also inscribed "J. Lee Settlemyre" and "J.L. Settlemyre" and with study of woman, all in pencil, verso. Oil on canvasboard. 24 x 20 inches.

According to the information about Settlemyre that you provided me, one document 'attributes' this painting to Settlemyre (as opposed to definitively stating that the painting is an authentic work by Settlemyre and also cites the provenance for this painting, beginning in 1974. This appraiser believes that the present painting is most likely an authentic work by Settlemyre, though is unfamiliar with the artist and his *oeuvre*. It is worth noting that according to www.askart.com, Settlemyre's paintings have neither been offered nor sold at auction.

Fair market value: \$150

2. Photomechanical reproduction of an oil painting, 'Aulus Vitellius, Roman Emperor.' Print on paper laid to foamcore. 23 13/16 x 17 13/16 inches.

The above was presented as a supposed original painting by Titian (Tiziano Vicelli) (Italian c. 1485-1576). This work is not by Titian, is not a painting, is a printed facsimile of a painting, and is modern. A similar, but not identical composition of this subject was painted by Titian in the English Heritage Collection, Bolsover Castle. This appraiser does not know the origin of the prototype upon which the present work is based, but notes that as a modern photomechanical reproduction, the relevancy of who painted the original work is not important. (It may be noted that seeing this print out of its frame revealed that part of the outer edges of the print had small parts of the gilded frame reproduced, along with the image itself – further proof that this work is a reproduction, the outer frame 'edges' not carefully cropped).

Fair market value: \$50

I certify that the above appraisal amounts constitute a professional opinion of value and is thus not a formal written appraisal.

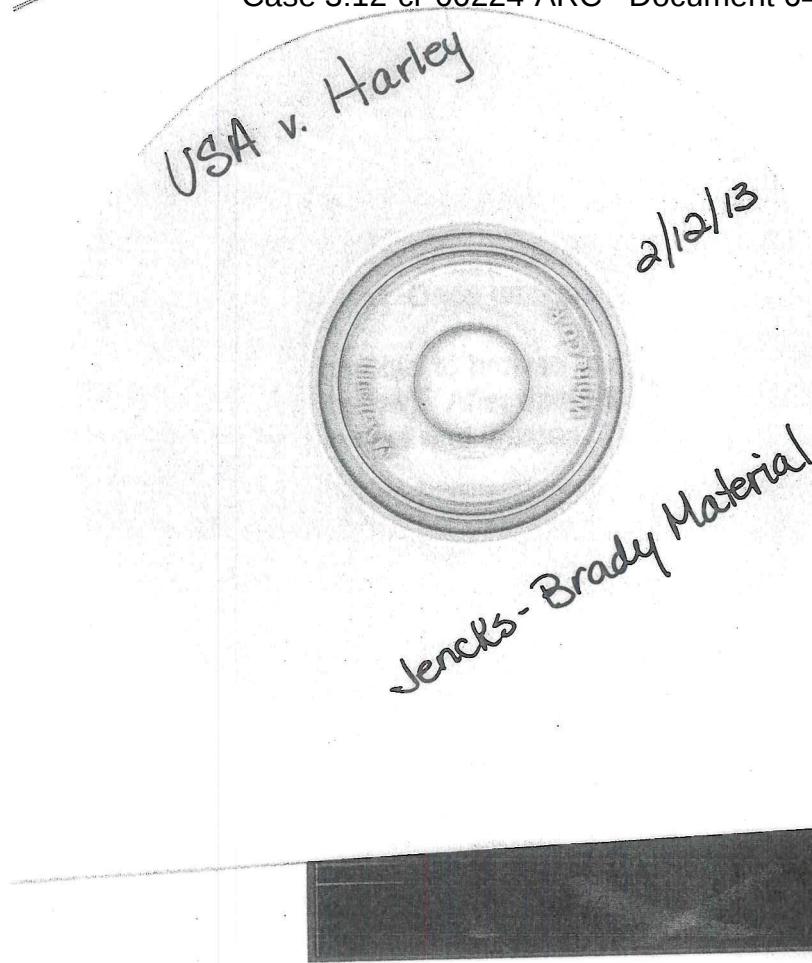


David Weiss
Senior Vice President
Freeman's

FREEMAN'S
AUCTIONEERS & APPRAISERS SINCE 1805

DAVID WEISS
SENIOR VICE PRESIDENT, TIME, ART, ASIAN, MASTERS, AND ORIENTAL RUBB
APPRAISER, APPRAISAL, AND CONSULTANT, AMERICA
and of the Americas, London, United Kingdom, Tel: +44 118 954 1144

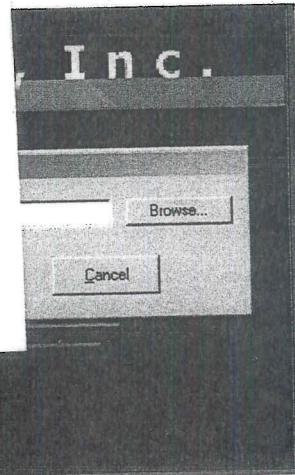
Freeman's, 1848 Chestnut Street, Philadelphia, PA 19103
Tel: 215 563 9275, fax: 215 563 8256, e-mail: info@freemanauction.com
www.freemanauction.com



sh

3. In order to view the zip the folder onto a location , the files must be copied to "RunIPub.exe" file.

ter/network to store a few files ing software will open and



If you don't see a list of the files down the left side of your screen, click on "View" and "Boundaries". Click on file icons under Boundaries until the entire list of document (bates) numbers appears. You can move from document to document, or page to page by using the icons at the bottom of the screen. You may also view the documents in full screen by clicking on "View" and "Full Screen". Documents may appear more clearly if you select "Image" on the toolbar and "Scale to Gray".

In addition, you may do a text search of the documents by clicking on "Search" and "Image Text". Simply enter the Search Criteria and "OK". The results will appear on the left of the screen under "Search Results". As you select each of the pages where the text is located, the image of that page will appear on the right with the queried text highlighted.

Use the tool bar to annotate, rotate, redact, highlight, etc.

***NOTE:** If you have any questions, please feel free to contact Kathy Enders, Litigation Support Specialist, U.S. Attorney's Office at (717) 221-4482, ext. 270, or by email at kathy.enders@usdoj.gov